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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,248	03/12/2004	Knecole A. Mitchell	61784	8853
24230	7590	11/17/2005	EXAMINER	
HARSHAW RESEARCH INCORPORATED			CAMPBELL, KELLY E	
P O BOX 418			ART UNIT	
OTTAWA, KS 66067			PAPER NUMBER	
			3618	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,248

Applicant(s)

MITCHELL ET AL.

Examiner

Kelly E. Campbell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/12/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Haulotte (US 4,343,379).

Haulotte teaches a portable lifting mechanism capable of lifting a tire and wheel, including:

a base (1) having opposite side members for connecting piston combinations (3,4), see Figure 1;

a pair of piston cylinder combinations (3,4), each piston cylinder combination having a pneumatic cylinder (5,8) pivotally coupled to a respective side member and a lifting arm (7,10) extending from said pneumatic cylinder for relative movement between retracted and extended configurations; wherein each lifting arm (7,10) of said pair of piston cylinder combinations includes a first end received in a respective pneumatic cylinder and a second opposed end, the lifting arms (7,10) being pivotally coupled together at point (11) intermediate respective first and second ends; wherein said second ends of said lifting arms are configured to support a platform (2); and means (16) for actuating said pair of

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piston cylinder combinations to move said lifting arms from said retracted configuration to said extended configuration, whereby to elevate said second ends of said lifting arms (7,10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chipperfield (US 5,855,359) in view of Haulotte (US 4,343,379).

Chipperfield teaches a portable tire and wheel lifting apparatus, see Figure 2, including:

side members (16,17);

pair of lifting arms (56,61) pivotally coupled to the side members and pivotally coupled together intermediate first and second ends.

a pair of ramp members (38,39) mounted on the support members (16,17) via collapsible assembly (14), see Figure 7, wherein the ramp members having a configuration capable of smoothly rolling a tire between a ground surface and said second ends of said lifting arms when said lifting arms are at said retracted configuration, see Figure 7;

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a pair of support members (60,66,70) fixedly attached to respective said second ends of said lifting arms for supporting said tire and wheel atop said second ends of said lifting arms;

a pair of rollers (71a,b) mounted to support members (60);
wherein said base and said pair of arms are configured to fit within an automobile tire cavity when said lifting arms are at said retracted configuration.

Chipperfield does not teach a pneumatic cylinder arrangement.

Haulotte teaches a lifting mechanism including:

A wheeled base (1);

a pair of piston cylinder combinations, each piston cylinder combination having a pneumatic cylinder (5,8) pivotally coupled to a respective side member and a lifting arm (7,10) extending from said pneumatic cylinder for relative movement between retracted and extended configurations; wherein each lifting arm (7,10) of said pair of piston cylinder combinations includes a first end received in a respective pneumatic cylinder and a second opposed end,

the lifting arms (7,10) being pivotally coupled together at point (11) intermediate respective first and second ends; wherein said second ends of said lifting arms are configured to support a platform (2); and means for actuating said pair of piston cylinder combinations to move said lifting arms from said retracted configuration to said extended configuration, whereby to elevate said second ends of said lifting arms;

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lifting arms of the lifting apparatus taught by

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Chipperfield to include a pneumatic cylinders for minimizing the manual effort of the user in operating the device and providing smoother lift and lower movements.

Claims 7-8, 10-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chipperfield (US 5,855,359) in view of Haulotte (US 4,343,379) as applied to claim 1 above, and further in view of Coates (US 4,558,847).

Chipperfield modified by Haulotte teach all aspects of the claimed invention except a foot actuated pump and release mechanism.

Coates teaches a means for actuating a piston cylinder (6) to move a lifting arm combination from the retracted configuration to the extended configuration with a foot pump (125,119), see column 5, lines 47-55, operatively connected to the piston cylinder (6), see Figure 1 and 7;

further comprising means (128) for releasing the piston cylinder combinations for movement of the lifting arms from said extended configuration to said retracted configuration, see Column 5, lines 47-53;
an air inlet valve (not shown) connected to valve lever (28) in said wheeled base and tubing (127) for connecting the air cylinders to the air inlet valve.

It would have been obvious to one of ordinary skill in the art to provide a foot actuated pump means for minimizing the upper body strength and strain

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required of the user to operate the lift device and prevent injury.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chipperfield (US 5,855,359) in view of Haulotte (US 4,343,379) as applied to claim 1 above, and further in view of Watkins (US 6,679,479).

Chipperfield modified by Haulotte teaches all aspects of the invention except then lifting arms having upper and lower offset segments.

Watkins teaches a scissor lift mechanism including lifting arms (42,44) actuated by air cylinders, wherein the arms have an upper segment (48) angularly offset from a lower segment (47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lifting arms of the invention taught by Chipperfield modified by Haulotte, to include an offset upper and lower segment configuration in order to provide more balanced lift as taught by Watkins, see Column 3, lines 2-10.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chipperfield (US 5,855,359) in view of Haulotte (US 4,343,379) and Coates (US 4,558,847) as applied to claim 13 above, and further in view of Watkins (US 6,679,479).

Chipperfield modified by Haulotte and Coates teaches all aspects of the invention except then lifting arms having upper and lower offset segments.

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Watkins teaches a scissor lift mechanism including lifting arms (42,44) actuated by air cylinders, wherein the arms have an upper segment (48) angularly offset from a lower segment (47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lifting arms of the invention taught by Chipperfield modified by Haulotte and Coates, to include an offset upper and lower segment configuration in order to provide more balanced lift as taught by Watkins, see Column 3, lines 2-10.

Conclusion

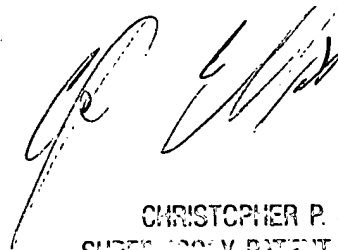
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly E. Campbell whose telephone number is (571) 272-6693. The examiner can normally be reached on 9:00-5:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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